



PLANNING COMMISSION

MINUTES

May 26, 2010

4:00 P.M.

**CITY OF FREDERICKSBURG
715 PRINCESS ANNE STREET
COUNCIL CHAMBERS**

COMMISSION MEMBERS

**Roy McAfee, Chair
Dr. Roy Gratz, Vice-Chair
Susan Spears, Secretary
Ricardo Rigual, Absent
Edward Whelan, III
Vic Ramoneda
Berkley Mitchell**

CITY STAFF

Ray Ocel, Director of Planning

1. CALL TO ORDER

The May 26, 2010 Planning Commission meeting was called to order at 4:00 p.m. by Chairman Roy McAfee.

2. PLEDGE OF ALLEGIANCE

3. **PRESENTATION:** Lafayette Boulevard Corridor Overlay District. Mr. Andy Waple, GWRC, provided a power point presentation outlining aspects of the proposed Lafayette Boulevard Corridor Overlay District.

Mr. McAfee thanked Mr. Waple for the presentation and commented that there is a lot of potential development that can come up once the guidelines are in place.

4. ADOPTION OF MINUTES

- May 12, 2010 minutes were adopted/approved as submitted.

UNFINISHED BUSINESS/ACTION ITEMS

5. **RZ2010-01: Cullen Trust Limited Partnership** - Request to amend the adopted proffers associated with the Fall Hill Apartment by eliminating proffers 9a, 9b and 9c which requires the property owner to dedicate variable width rights-of-way for the construction of a new road along the eastern property line. The subject property has been improved with the Fall Hill Apartment complex located on Fall Hill Avenue and also contains an approximate 5 acre vacant unimproved parcel of land. Tax Map 311PA and A19-3319. The property is zoned R-12 Residential and CT, Commercial Transitional. The property is

designated as Medium Density Residential on the Future Land Use Map found within the 2007 Comprehensive Plan.

Mr. Ocel said that this is a request to conditionally rezone the property commonly known as the Fall Hill Apartment property that includes approximately 15.0 acres of land zoned R-12 and CT. Although the property is not proposed to be rezoned, the set of proffers associated with the 2001 rezoning by the Cullen Trust Limited Partnership are being requested to be amended. This CT zoned property, along with the adjacent Fall Hill Apartment property were rezoned in 2001 to permit the construction of the apartments and to provide a two acre site for an office building.

During the public hearing on this item During the May 12th public hearing no members of the public spoke in regard to this application and Commission members did not raise any questions or concerns.

There was no further discussion in this item.

Mr. Ramoneda made a motion to recommend approval of the proffer amendment request as outlined in the staff report.

Mr. Mitchell seconded the motion.

Motion carried by a vote of 6 – 0.

6. **SUP2010-03: Marion Hicks** – Special Use permit request in order to construct 86 townhouse units on approximately 14 acres of land located to the north of Hudgins Road, west of Jefferson Davis Highway and east of the Kingswood Subdivision located in Spotsylvania County. The property is zoned CH, Commercial Highway which requires a special use permit in order to construct townhouse units. The property is designated as General Commercial on the Future Land Use Map found within the 2007 Comprehensive Plan.

Mr. Ocel said that Marion Hicks is requesting a special use permit to construct 87 attached single family units (townhouse units) on approximately 14 acres of land that is located west of Route 1; south of Dunning Mills Road; north of Hudgins Road and east of the Kingswood Subdivision located in Spotsylvania County. The balance of the property is located in the County (34 acres) and is zoned single family residential. Please see the attached generalized development plan to reference the location.

At the May 12th public hearing, the Commission did not receive any public comments in regard to this application. Commission members raised a number questions; in particular, Mr. Gratz provided a list of questions as he could not attend the meeting. The list of his questions and the applicants reply to those questions is attached to this memo.

Staff additionally notes the following:

1. Staff noted during the meeting that the density calculation provided by the applicant needs to be revised to address the presence of sensitive lands that may not be fully counted to determine overall density.
2. The applicant also is to provide building elevation plans and list of building materials that can be referenced in a condition of approval if the special use permit is approved.
3. Due to the width of the interior private roads (22') no on street parking will be permitted by the Fire Marshall. The Fire Department requires a minimum of 20' clear travel way.
4. Provide a breakdown of 1, 2, and 3 bedroom units. Mr. Gratz also requested this information.

5. The proposed stone dust/mulch trail will be difficult to maintain due to the proposed materials but it will not be a public trail and therefore, the City will not be responsible for maintaining the trail.
6. The buffer area between the recreation area, the rear of lots 51-79, and the open area adjacent to lot 79, and the property line should be a minimum 20' wide and include a 6' tall fence, evergreen trees planted at intervals of 20' with a deciduous canopy tree planted every 50'. This area will provide an appropriate buffer between the townhouse units and the adjacent commercial properties.
7. Please note that the uninterrupted sidewalk shown in front of the interior lots cannot be built as shown. Each unit is proposed to include a driveway with direct access to adjacent street. Due to the connection of the driveway to the street, the sidewalk will be segmented into very small sections.
8. Where space permits, street trees should be planted along both sides of the streets located in the City.

Mr. Ocel said that although staff cannot support the approval of the special use permit due to the 2007 Comprehensive Plan recommending that the property be developed with a commercial use(s), if the Planning Commission recommends approval, the following conditions are recommended:

1. That the property be developed in general conformance with the plan entitled, "Summerfield-Generalized Development Plan dated 3-22-10 prepared by SDI.
2. The buffer area between the recreation area, the rear of lots 51-79, and the open area adjacent to lot 79, and the property line should be a minimum 20' wide and include a 6' tall fence, evergreen trees planted at intervals of 25' with a deciduous canopy tree planted every 75'.
3. Language noting the exterior elevation and materials to be used in the units.
4. That the minimum unit width be no less than 18' as measured from inside wall to inside wall of a unit.
5. That a wetlands permit be secured and provided with the initial site plan submittal.
6. Where space permits, street trees should be planted along both sides of the streets located in the City. Specific species to be approved the Assistant Director of Public Works.
7. That Low Impact Development measures/facilities be used to address stormwater management requirements.
8. That the proposed use of the property is permitted only so long as it continues and is not discontinued for more than two years.
9. The use of the property shall commence within two years of the date of the adoption of the City Council resolution.

Mr. Doug Fawcett, Director of Public Works, said that the City has been working on an agreement with Spotsylvania to recommend to the Fredericksburg City Manager and Spotsylvania County Administrator that each locality receive availability fees. He noted that the water will come in from the County side and that the sanitary sewage will leave the property on the City side, go through the City's collection system and eventually be treated at the City's wastewater treatment facility. He said the County will serve both County and City residents for purposes of metering.

Mr. Whelan clarified that this workable water, sanitary sewer proposal is to include both the single-family residences as well as the proposed townhouses.

Mr. Fawcett said this is correct.

Mr. Mitchell asked for clarification that, financially, the County will do all the billing for water and sewer and basically send a check for the sewer part for the City?

Mr. Fawcett responded no, not quite that way. He said that they are not going to directly collect and submit the fees paid by the individual property owners to the City. He said an example would be that if all the sewer flow from the development is 50,000 gallons, or whatever, than that number would get factored into the formulas that are already in place for County flows. He noted that there are a number of locations in which the sewer flows from the County into the City and gets treated in the City's plants. He said they would be considered to be County customers for purposes of usage.

Mr. McAfee commended Mr. Fawcett in finding a workable solution for a fairly complicated issue.

Mr. McAfee asked who will install and maintain the water meters on the City side.

Mr. Fawcett said Spotsylvania County would do this.

Mr. Fawcett said they still have some issues as to who will do the actual inspections on the lines and that they are still working on those items.

Mr. McAfee asked if there is a time frame to work this out.

Mr. Fawcett said it will be driven by the pace of development.

Mr. Mitchell said he had noticed that Staff did not make a recommendation to the Commission on whether to approve or deny this application as he had seen on other applications before them. He asked if there are some situations where staff chooses not to make a recommendation.

Mr. Ocel said his comment on page two of the staff report states that he cannot support the application. However, that if the Commission decides to move forward with their recommendation to approve it, then he recommended the 9 conditions listed in the report.

Mr. Ocel noted that he has received a copy of the photos of the elevations and materials to be used, which were received after the deadline of when the packets were mailed. He said a copy of these have been placed at the seat of each Commission member for their review.

Mr. Mitchell asked for confirmation that the proposed use is listed as a special permitted use.

Mr. Ocel said this is correct, under the R-12 Zoning District.

Dr. Gratz thanked the applicants for answering questions he submitted to be read at the public hearing on this item and apologized for missing the public hearing due to a prior commitment.

However, he said, unfortunately the answers to those questions do not satisfy him enough that he feels he can support this application. He said he does not believe it is a good project for the City and that the project is not in compliance with the Comprehensive Plan. Dr. Gratz went over some of the questions he had previously posed as well as the answers given by the applicant's representative, Mr. Charlie Payne. Dr. Gratz said he does not believe the project can financially support itself; that the prices for the townhouses are conveniently high; that the number of students the project will attract is too low and that the projected numbers for projected tax revenue is projected too high, etc. He also indicated that he believes this proposal should have come under a rezoning application rather than a special use permit application. However, he said, the answer is that had this been a rezoning request it probably would not be approved as it would be considered spot zoning.

Mr. Whelan said this property is different than the majority of properties within the City. In his opinion, he said, the property causes a very unique situation since part of it is located in the City and the other part is located in Spotsylvania County. He said he believes this is the best use of

the property and it is for these reasons, he said, that consideration must be given and that he will support the request.

Mr. Mitchell said he agrees with Mr. Whelan and will also vote in support of the application. He said a commercial development of this property may have made sense for some kind of office park with the County property all as one commercial piece. But since the County has approved their portion as residential it makes even better sense. By the time you take out the undevelopable portion of the City land this becomes a strange piece of land to develop as a commercial use.

Mr. McAfee said that he had a specific question for Mr. Payne. He asked that in looking at how short some of the sidewalks are and some of the parking issues if at this stage of the game the applicants would be willing to look at a redesign, such as rear loading, creating a green space out front and parking in the rear, etc.

Mr. Payne said he would allow Mr. Rick Fernable, Engineer for the project with Sullivan Donahoe and Ingel.

Mr. Fernable said that when they looked at the overall layout, they did consider the project in its entirety and treated the City-County boundary line as a crucial design element for the project. He said the streets within the County portion of the project are intended to be public streets and therefore that set up the alignment of the road as you see today. He said it would be very difficult to create a dual lane road without seriously impacting the county portion of the project and that there is very limited area within the City portion to do what was suggested.

Mr. Mitchell made a motion to recommend approval of the special use permit with the conditions outlined by staff in the staff report.

Ms. Spears seconded the motion.

Motion carried by a vote of 4 – 2, with Commissioners Ramoneda and Gratz voting against the motion.

7. SOTA2010-01: Updating the Subdivision Ordinance to Permit Recordation of an Approved Final Plat Where the Landowner has Commenced Construction of Public Facilities or Posted Security for Construction of Public Facilities, by Amending City Code Article 78, "Zoning, Planning and Development," Article IV, "Subdivisions," Division 5, "Final Plats and Plans," Section 78-1229, "Expiration of Unrecorded Plats and Plans."

Mr. Ocel said that this is a request to amend the City Code to adopt changes in the Virginia State Code made by the Virginia General Assembly 2009, by amending City Code Chapter 78, Article IV "Subdivisions," Section 78-1229.

During the May 12th public hearing no members of the public spoke in regard to this application and Commission members did not raise any questions or concerns.

Dr. Gratz made a motion to recommend approval of the subdivision ordinance text amendment as submitted.

Mr. Ramoneda seconded the motion.

Motion carried by a vote of 6 – 0.

OTHER BUSINESS

8. Planning Commissioner Comment

- Mr. McAfee referenced the Preliminary Plan Committee meetings and said he would like to point out how helpful, kind, and generous staff is with the applicants as they guide them through the process of submitting applications that come before the Boards and Commissions. He said staff comes to the meetings prepared and willing to address the applicant's needs and desires. He said he is proud to see potential business people being handled in a professional and meaningful way. Mr. McAfee also provided Commissioners with information on some potential applications to come before them in the near future.

9. Planning Director Comment

- Mr. Ocel noted that there are no applications for the scheduled June 9th public hearing. However, he said the City has the next round of plans for the Commission to review on the Watershed Property Management Plan, which FOR had received a grant to accomplish this. He said this plan has been presented to Council and that Council has referred the item to the Planning Commission for its recommendation. He said he would like to schedule a work session for June 9th at 5:00 if everyone's schedule can accommodate. The meeting will be scheduled for June 9, 2010 at 5:00 pm.
- Mr. McAfee asked if there are guidelines to follow in reviewing a watershed plan as they Commission is not formally educated in this area.
- Mr. Nelson, Senior Planner, said staff will walk through the Plan on the 9th and ensure that the Planning Commission is comfortable with it.

ADJOURNMENT



Roy McAfee, Chair